

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2713 OF 2006

Kohinoor Mills, a Unit of National
Textile Corporation (MN) Ltd.

..Petitioner.

Vs.

Virmala Ramesh Patel & Ors.

..Respondents.

...

Mr. V.M. Parkar for the Petitioner.

Mr. P.M. Patel for the Respondents.

....

CORAM: DR. D.Y. CHANDRACHUD, J.

6th November, 2006.

P.C. :

The order of the Industrial Court dismissing the appeal against the order of the Labour Court was passed on 11th March, 2004. This Petition was instituted on 7th October, 2006 nearly two years and seven months after the order of the Industrial Court. There is not even an attempt to explain the delay nor is any averment contained in the Petition to that effect. At the hearing, it has been urged that the proceedings under the Bombay Industrial Relations Act, 1946 were not maintainable. But again, it is fairly

admitted that no such point was taken either before the Labour Court or in appeal before the Industrial Court. The issue cannot be allowed to be agitated for the first time in writ proceedings. The Petitioner did not lead any evidence at all to rebut the evidence that was adduced on behalf of the workman. No case for interference under Article 226 is warranted. The Petition is dismissed.